

CALIFORNIA CODE OF REGULATIONS
TITLE 14, DIVISION 1
SUBDIVISION 4, OFFICE OF OIL SPILL PREVENTION AND RESPONSE
CHAPTER 3. OIL SPILL PREVENTION AND RESPONSE PLANNING
SUBCHAPTER 3. OIL SPILL CONTINGENCY PLANS
SECTION 818.03

Amended July 14, 2006

818.03 VESSELS CARRYING OIL AS SECONDARY CARGO (VCOASC) PLAN CONTENT

To the degree the information required by Subsections 818.03(b) through (l) exists elsewhere, copies of the pre-existing information may be submitted. If the information provided is not sufficient to meet the requirements of this subchapter, additional information may be requested by the Administrator.

(a) Introductory Material

- (1) Each plan shall provide the following information for each vessel carrying oil as secondary cargo (VCOASC, as defined in Section 790 of this subdivision) covered by the plan:

- (A) the vessel's name, country of registry, call sign, and official identification number;
- (B) name, address, ~~and~~ phone number, fax number and e-mail address, if available, of the owner and/or operator of the vessel(s). This information shall be referenced in the plan title or on a title page at the front of the plan;
- (C) the name, address, ~~and~~ phone number, fax number and e-mail address, if available, of the person to whom correspondence should be sent;
- (D) a certification statement signed under penalty of perjury by an executive within the plan holder's management who is authorized to fully implement the oil spill contingency plan who shall review the plan for accuracy, feasibility, and executability. If this executive does not have training, knowledge and experience in the area of oil spill prevention and response, the certification statement must also be signed by another individual within the plan holder's management structure who has this requisite training, knowledge, and experience. The certification shall be submitted according to the following format;

"I certify, to the best of my knowledge and belief, under penalty of perjury under the laws of the State of California, that the information contained in this contingency plan is true and correct and that the plan is both feasible and executable."

(signature), (title), (date);

- (E) ~~a copy of~~ the California Certificate of Financial Responsibility (COFR) number for the tank vessel(s) covered by the plan shall be included in the front of the plan, or for fleet plans shall be ~~indexed~~ listed separately in a subsection of the plan.
- (2) Each plan shall identify a Qualified Individual, as defined in Chapter 1, Section 790 of this subdivision, and any alternates that may be necessary for the purpose of

implementing the plan and documentation that the Qualified Individual acknowledges this capacity. If an alternate or alternates are identified in the plan, then the plan shall also describe the process by which responsibility will be transferred from the Qualified Individual to an alternate. During spill response activities, notification of such a transfer must be made to the State Incident Commander at the time it occurs.

(3) Each plan shall provide the name, address, telephone number and facsimile number of an agent for service of process designated to receive legal documents on behalf of the plan holder and documentation that the agent for services of process acknowledges this capacity. Such agent shall be located in California.

(4) Each plan shall identify a Spill Management Team (as defined in Section 815.05(q) of this subchapter), and provide documentation that the Spill Management Team acknowledge this capacity.

~~(45)~~ Each plan shall contain a copy of the contract or other approved means (as defined in Section 818.05(b) of this subchapter), verifying that any oil spill response organization(s) that are named in the plan will provide the requisite equipment and personnel in the event of an oil spill. Plan holders shall only contract with an OSRO(s) that has received a Rating by OSPR (as specified in Section 819 of this subchapter) for the booming, on-water recovery and storage, and shoreline protection services required.

(b) VCOASC Description

(1) Each plan shall describe the vessel's design and operations with specific attention to those areas from which a spill could reasonably be expected to impact the marine waters of California. This description shall include, at a minimum, the following information:

(A) a piping and tank diagram including the location of valves, vents and lines; the age, design, and construction of the vessel; the range of oil products normally carried in each structure; and safety equipment;

(B) a description of the types, physical properties, health and safety hazards and maximum storage or handling capacity of the oil or product carried. A material safety data sheet (MSDS) or equivalent will meet some of these ~~this~~ requirements and can be maintained separately aboard the vessel providing the plan identifies its location;

(C) the vessel's classification, hull type, gross registered tonnage (GRT), oil cargo capacity, length, draft and beam.

(c) Prevention Measures

(1) Each plan holder shall take all appropriate prevention measures designed to reduce the possibility of an oil spill occurring as a result of allisions, collisions, groundings, explosions or operator error during the operation of the VCOASC. Each plan shall include a summary of the policies, programs, guidelines and/or procedures designed to implement the following:

(A) methods to reduce spills during transfer and storage operations, including overfill prevention measures, and immediate spill containment provision. Any information developed in compliance with Title 33 CFR, Parts 154 and 156 may be substituted

- for all or part of any comparable prevention measures required by this subsection;
 - (B) procedures to assure clear communication among all the parties involved during transfer operations;
 - (C) use of vessel traffic service systems where available;
 - (D) procedures to be used to avoid the known navigational hazards.
 - (E) Where a plan holder's VCOASC is engaged in transfer operations at a facility subject to Public Resources Code 8755, and the plan holder is in compliance with State Lands Commission regulations for oil transfer operations, the plan holder shall be considered in compliance with the provisions of this subsection.
 - (F) The plan holder shall provide additional relevant information to the Administrator upon request.
- ~~(2) Each plan shall also provide a summary of those prevention measures, or operational policies, guidelines and procedures which are currently in place to meet the requirements of other International, Federal, State or local agencies. Each plan shall also summarize any other prevention measures being utilized by VCOASC personnel. The list of existing prevention measures shall include, but not be limited to, the following:~~
- ~~(A) a description of any "risk reduction incentive programs". A risk reduction incentive program is one designed to reduce factors leading to technical and human error, such as programs that reward accident-free periods in the workplace;~~
 - ~~(B) a description of leak detection and spill prevention safety and alarm systems, devices, equipment or procedures;~~
 - ~~(C) a description of automatic controls that can be operated remotely or pre-programmed to control normal processes, safety shutdown and emergency shutdown;~~
 - ~~(D) a description of the alcohol and drug testing programs for key personnel;~~
 - ~~(E) those measures implemented in compliance with regulations adopted by the State Lands Commission under Public Resources Code 8755 governing operations of a vessel while at a marine terminal;~~
 - ~~(F) any additional prevention measures taken or contemplated to minimize the possibility of oil spills;~~
 - ~~(G) a description of any security measures.~~
 - ~~(H) The plan holder shall provide additional relevant information to the Administrator upon request.~~
- (3) At the time the initial contingency plan is submitted, the owner/operator shall either submit a Certificate Of Inspection (COI) issued by the USCG or a certificate issued by a member of the International Association of Classification Societies certified by the International Maritime Organization (IMO) of the most recent vessel inspection, or verify

that the vessel has such a certificate and that the certificate is available for review.

- (4) The owner/operator shall also submit a Safety Management Certificate to demonstrate compliance with the performance elements in the International Safety Management (ISM) Code subject to IMO Resolution A.741(18), or shall submit proof of compliance with the American Waterways Operators (AWO) Responsible Carrier Program, if applicable.

(d) Planning for the Location of Response Resources

The owner/operator must be prepared to respond to a spill anywhere within the marine waters of California where the VCOASC transits. To determine the regions in which response equipment and personnel must be available, the owner/operator shall include in the plan a description of the VCOASC's normal routes of travel including a list of each of the six Geographic Regions that the VCOASC transits along these routes it is first necessary to determine those areas of likely spill impact, as follows; OSPR has developed Shoreline Protection Tables (SP Tables dated July 17, 2006, incorporated by reference herein and posted at OSPR's website) for VCOASC traffic in California's marine waters. Owners/operators shall meet the response resource and time frame requirements for the appropriate Small Harbor from the SP Tables when contracting for shoreline protection services.

~~(1) Navigational Hazard Analysis~~

~~Each plan holder must conduct a Navigational Hazard Analysis for those areas the VCOASC transits within the marine waters of California. Some of the information required in this subsection may be drawn from the appropriate Area Contingency Plans (completed by the Coast Guard, State Agencies, and Local Governments pursuant to the Oil Pollution Act of 1990), Coast Pilot 7, National Ocean Survey charts or the appropriate Harbor Safety Plans completed by the local Harbor Safety Committees. If information is available, the plan holder may make reference to that information (i.e., specify where the information can be found) and does not need to duplicate it in the plan. Such an analysis shall include the following:~~

~~(A) a description of the VCOASC's normal routes of travel including a list of each of the six Geographic Regions that the vessel transits along these routes;~~

~~(B) an analysis of the navigational hazards along the vessel's normal routes of travel. This analysis shall be specific to each of the six Geographic Regions, where applicable. The plan shall include the following summary of the results of this analysis:~~

- ~~1. identify those hazards such as bars, off shore structures, harbor entrances, areas of significant traffic congestion, hazards specific to the regular ports of call, and hazards associated with principal transfer operations;~~
- ~~2. a review, based on proximity to shore and the availability of stand-by towing and/or other support capability, of those situations where a loss of power, navigational ability or other significant incidents may result in groundings, collisions, strandings, or explosions.~~

~~(C) Each plan shall provide historical information on significant spills from the VCOASC including the vessel while operated under different names by the current owner, and to the extent known, by prior owners and under different names. As used~~

~~in this section, a significant spill is one which had an impact on the marine waters of the state, or caused the physical layout of the vessel or the vessel's operations procedures to be modified. This information shall include:~~

- ~~1. a written description of the spill event(s);~~
- ~~2. the cause of any historical spill, including operator error, or a failure analysis of the system or subsystem in which the failure occurred;~~
- ~~3. a brief summary of the impact of the spill(s);~~
- ~~4. a description of the corrective actions taken in response to any and all spills included in the historical data.~~

~~(2) Environmental Consequence Analysis~~

~~(A) For the significant hazards identified in the Navigational Hazard Analysis, the VCOASC shall conduct a trajectory analysis to determine the environmental consequences of an oil spill. This analysis shall apply to the reasonable worst case spill volume and shall assume pessimistic water and air dispersion and other adverse environmental conditions. This analysis is intended to be used as the basis for determining those areas and shoreline types for which response strategies must be developed. Some of the information required in this subsection may be drawn from the appropriate Area Contingency Plans completed by the Coast Guard, State Agencies, and Local Governments pursuant to the Oil Pollution Act of 1990. If information is available, the plan holder may make reference to that information (i.e., specify where the information can be found) and does not need to duplicate it in the plan. The analysis shall include at least the following:~~

- ~~1. a trajectory to determine the potential direction, rate of flow and time of travel of the reasonable worst case oil spill from the vessel to the shorelines, including shallow water environments, that may be impacted. For purposes of this requirement, a trajectory or trajectories (projected for a minimum of 72 hours) that determine the outer perimeter of a spill, based on regional extremes of climate, tides, currents and wind with consideration to seasonal differences, shall be sufficient;~~
- ~~2. for each probable shoreline that may be impacted, a discussion of the general toxicity effects and persistence of the discharge, based on type of product; the effect of seasonal conditions on sensitivity of these areas; and an identification of which areas will be given priority attention if a spill occurs.~~

~~(3) Resources at Risk from Oil Spills~~

~~Based on the trajectory of the spilled oil, as determined in the Environmental Consequence Analysis, each plan shall identify the environmentally, economically and culturally sensitive areas that may be impacted. Each plan shall identify and provide a map of the locations of these areas. Some of the information required in this subsection may be drawn from the appropriate Area Contingency Plans completed by the Coast Guard, State Agencies, and Local Governments pursuant to the Oil Pollution Act of 1990. If information is available, the plan holder may make reference to that information (i.e., specify where the information can be found) and does not need to duplicate it in the plan.~~

(A) The map of environmentally sensitive areas shall include:

1. ~~shoreline types and associated marine resources;~~
2. ~~the presence of migratory and resident marine bird and mammal migration routes, and breeding, nursery, stopover, haul-out, and population concentration areas by season;~~
3. ~~the presence of aquatic resources including marine fish, invertebrates, and plants including important spawning, migratory, nursery and foraging areas;~~
4. ~~the presence of natural terrestrial animal and plant resources in marine-associated environments;~~
5. ~~the presence of state or federally listed rare, threatened or endangered species; and~~
6. ~~the presence of commercial and recreational fisheries including aquaculture sites, kelp leases and other harvest areas.~~

(B) The map of the locations of economically and culturally sensitive areas shall indicate:

1. ~~public beaches, parks, marinas, boat ramps and diving areas;~~
2. ~~industrial and drinking water intakes, power plants, salt pond intakes, and other similarly situated underwater structures;~~
3. ~~intertidal and subtidal drilling leases;~~
4. ~~known historical and archaeological sites. If a plan holder has access to any confidential archaeological information, it must be submitted as a separate item and will be handled as confidential information as outlined in Subsection 816.01(d);~~
5. ~~areas of cultural or economic significance to Native Americans; and~~
6. ~~major waterways and vessel traffic routes that are likely to be impacted.~~

(e) Containment Booming and On-Water Containment and Recovery

Each plan holder must provide contract for the on-water containment booming and on-water recovery response resources up to their Response Planning Volume for ~~of~~ all potential spills from the VCOASC that could reasonably be expected to impact the marine waters of California. Additionally, each plan must also demonstrate response capability sufficient to address potential spills in each Geographic Response Plan Area (GRA), if available, or Geographic Region through which the vessel may transit. (GRA's are geographic subdivisions of ACP area.) To determine the amount of response resources for containment booming and on-water recovery capability that must be available, each plan holder vessel must calculate a Response Planning Volume as outlined below:

(1) Reasonable Worst Case Spill

To calculate the Response Planning Volume, it is first necessary to determine the

reasonable worst case spill for each vessel. The reasonable worst case spill is calculated as 30% of the vessel's total cargo capacity of petroleum products.

(2) Persistence and Emulsification Factors

(A) The reasonable worst case spill volume is then multiplied by a persistence factor relative to the most persistent type of oil that each VCOASC carries over the marine waters of California ~~may be spilled~~. The persistence factors ~~relative to the type of oil spilled~~, are specified below:

Oil Group	Group 1	Group 2	Group 3	Group 4
<u>On-Water Volumes Persistence Multiplier</u>	.20	.50	.50	.50

(B) Emulsification Factors:

The volume determined from the calculation above is then multiplied by one of the following emulsification factors, again, based on the type of oil.

Oil Group	Group 1	Group 2	Group 3	Group 4
<u>Emulsification Multiplier</u>	1.0	1.8	2.0	1.4

(C) Response Planning Volume

The total determined by this calculation is a Response Planning Volume.

1. The Response Planning Volumes to be used to determine the amount of equipment and services required shall be the greater of the amount necessary to address the Response Planning Volume as calculated in Subsections 818.03(e)(1) - (2) or the Planning Volume for On-water Recovery for Inland/Near-shore Environment calculated for the vessel's federal response plan prepared pursuant to 33 CFR, Part 155.1045. The Planning Volume for On-water Recovery is the Adjusted Volume from the federal calculations determined prior to establishing response tiers utilizing the mobilization factors.
2. The calculations used to determine the Response Planning Volume shall be included in the plan.

(3) Response Capability Standards

The equipment and personnel necessary to address the Response Planning Volume is brought to the scene of the spill over a period of time. The timeframes are dependent upon the GRA or Geographic Region risk zone in which the VCOASC transits ~~is located~~.

The standards set forth in this section ~~are only planning standards and~~ may not reflect the exigencies of actual spill response. However, these are the standards that must be used to determine the amount of equipment and personnel that must be under contract or other

~~approved means. Response resources~~ Equipment in addition to those ~~that~~ under contract must be identified and a call-out procedure in place to access this equipment if the VCOASC has a spill that exceeds ~~these~~ the Response Planning Volumes standards. The owner/operator is ultimately responsible for addressing the entire volume of an actual spill regardless of the planning volumes standards.

(A) ~~Total Equipment Required~~ On-Water Daily Recovery Rates and Containment Boom Amounts

1. The total amount of on-water containment and recovery equipment and services required shall be the amount necessary to address the Response Planning Volume determined in Subsection 818.03(e)(2)(C), as follows:
 - i. VCOASC that transit in High-Volume Ports shall have sufficient on-water containment and recovery equipment and services to respond to 10% of the calculated Response Planning Volume (as calculated in Sections 818.03(e)(1) - (2)) at the scene of the spill within two hours. There shall be sufficient on-water containment and recovery equipment and services to respond to the remaining Response Planning Volume within 12 hours.
 - ii. VCOASC operating in Facility/Transfer areas or the Santa Barbara Channel area shall have sufficient on-water containment and recovery equipment and services to respond to 10% of the calculated Response Planning Volume (as calculated in Sections 818.03(e)(1) - (2)) at the scene of the spill within 12 hours. There shall be sufficient on-water containment and recovery equipment and services to respond to the remaining Response Planning Volume within 36 hours.
 - iii. VCOASC that transit along the Balance of the Coast shall have sufficient on-water containment and recovery equipment and services to respond to 10% of the calculated Response Planning Volume (as calculated in Sections 818.03(e)(1) - (2)) at the scene of the spill within 18 hours. There shall be sufficient on-water containment and recovery equipment and services to respond to the remaining Response Planning Volume within 36 hours.

(4) Transfer Operations

Each plan shall demonstrate that the VCOASC owner/operator shall owns or has access to sufficient and appropriate boom, trained personnel and equipment, maintained in a stand-by condition, such that at least 600 feet of boom can and will be deployed for the most effective containment immediately, but no longer than 30 minutes after the discovery of a spill, or have under contract the equipment, and shall have personnel and procedures sufficient to contain 10% of the Response Planning Volume or 50 bbls., whichever is less. These response resources shall be Additionally, each plan holder shall identify the equipment, personnel and procedures such that an additional 600 feet of boom can and will be deployed within one hour for the most effective containment in the event of an oil spill. ~~present on-site during all transfer operations and deployable immediately in the event of an oil spill of persistent oil (i.e., Group 2, 3, 4, or 5).~~ Response resources owned or under contract to the marine facility or vessel engaged in oil transfer operations may be used to meet this requirement.

(5) On-Water Response Equipment and Services

(A) Each plan shall demonstrate that the VCOASC owner/operator has under contract or other approved means (as defined in Section 815.05(b) of this subchapter) access to all necessary response resources equipment and services to comply with the Response Capability Standards for ~~on-water~~ containment booming and on-water recovery established pursuant to Subsection 818.03(e). The amount of response equipment required will take into account the ~~derated~~ effective daily recovery capacity (as defined in Chapter 1, Section 790 of this subdivision) of the oil recovery equipment.

(B) The equipment identified for a specific area must be appropriate for use in that area given the limitations of the geography, bathymetry, water depths, tides, currents and other local environmental conditions. For those areas that require shallow-water response capability (refer to the relevant U.S. Coast Guard Area Contingency Plan), the plan shall provide for an adequate number of shallow-draft vessels (as defined in Section 815.05 of this subchapter) to be owned or under contract or other approved means. Additionally, the equipment identified shall also be appropriate for use on the type of oil identified. To the extent that the following information is provided by a Rated OSRO, evidence of a contract or other approved means with a Rated OSRO will suffice: The following information must be provided:

1. the location, inventory and ownership of the equipment to be used to fulfill the response requirements of this subchapter;
2. the manufacturer's rated capacities and operational characteristics for each major item of oil recovery equipment;
3. the type and capacity of storage and transfer equipment matched to the skimming capacity of the recovery systems;
4. the ~~derated~~ effective daily recovery capacity (as defined in Chapter 1, Section 790 of this subdivision) for each major piece of on-water recovery equipment listed, as well as the ~~derated~~ effective daily recovery capacity for the skimming systems as a whole.
 - i. A request may be submitted to the Administrator to review the ~~derated~~ effective daily recovery capacity for a piece of equipment if it can be shown that the equipment has a different capacity than the derating factor allows.
 - ii. The Administrator's decision regarding a change in the ~~derated~~ effective daily recovery capacity for a piece of equipment will be issued as soon as administratively feasible.
5. vessels designated for oil recovery operations, including skimmer vessels and vessels designed to tow and deploy boom;
- ~~6. pumping and transfer equipment for transferring oil from damaged structures, or from undamaged structures which might be at risk of discharging additional oil;~~
- ~~7~~6. procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator;

~~(6) On Water Response and Recovery Strategies~~

~~Utilizing the equipment that must be under contract, each plan shall describe methods to contain spilled oil and remove it from the environment. The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified shall be appropriate for use on the type of oil identified. The description shall include:~~

~~(A) methods for on water containment and removal of oil in open water environments;~~

~~(B) methods for adapting on water containment and removal strategies in order to address the spill as it moves to the close to shore environment. This description shall include, where appropriate, methods for carrying out response operations and protection strategies in shallow water environments, as identified in the trajectory analysis conducted as part of the Environmental Consequence Analysis.~~

(f) ~~Shoreline Protection and Clean-up~~

~~Each plan must provide for shoreline protection in the Small Harbor the VCOASC may transit, and clean-up of all areas identified as potential spill sites in the Environmental Consequence Analysis. Each plan shall demonstrate through contracts(s) or other approved means, the response resources necessary to protect each type of shoreline and all applicable sensitive sites as outlined in the appropriate Small Harbor as listed in the SP Tables (dated July 17, 2006), incorporated by reference herein. The SP Tables shall be reviewed, and updated if needed, annually by OSPR staff, that the VCOASC has access to all necessary equipment and services to address the Protection and Response Strategies appropriate to each shoreline that could potentially be impacted by a spill from the vessel.~~

(1) Shoreline Protection Requirements for Vessels Operating in Small Harbors

Included in the SP Tables is a listing of Small Harbors throughout the state. The requirements in the Small Harbor Table apply to all vessels over 300 GT that operate in the small harbors as listed. The following apply to the Small Harbor Table only:

(A) Non-dedicated resources are allowed for shoreline protection for the vessels that operate in these harbors.

(B) The amounts of boom, boats and staff, as listed, are required for the vessels that operate in these harbors. In some locations additional response resources may be required for included or adjacent sensitive sites if this has been identified in the applicable ACPs.

(C) Resource requirements can be met either with pre-positioned equipment (as identified in the owner/operator's Contingency Plan) or by a contract with a Rated OSRO. Advance notice to the OSRO is required before the plan holder can begin operating in the small harbor.

(D) Unless otherwise specified in the Small Harbor Table, anytime that a vessel over 300 GT operates in these small harbors, that vessel shall have a contract or other approved means for a minimum of 2,500 feet of boom that can be deployed in 6 hours.

- (E) An owner/operator may propose lesser amounts of shoreline protection resources than that listed in the Small Harbor Table, for carrying out planned projects in the Balance of the Coast, upon petitioning and approval of the Administrator. The proposal may be tested by the Administrator anytime prior or subsequent to plan approval.

To determine the amount and type of shoreline protection and clean-up capability that must be under contract in each of these areas, each VCOASC must calculate a Shoreline Response Planning Volume as outlined below:

(1) ~~Reasonable Worst Case Spill~~

~~To calculate the planning volume, it is first necessary to determine the reasonable worst case spill for each VCOASC. The reasonable worst case spill is calculated as 30% of the vessel's total cargo capacity of petroleum products.~~

(2) ~~Persistence and Emulsification Factors~~

(A) ~~The reasonable worst case spill volume is then multiplied by a persistence factor relative to the most persistent type of oil that may be spilled. The persistence factors relative to the type of oil spill, are specified below:~~

Oil Group	Group 1	Group 2	Group 3	Group 4
Shoreline Volumes	_____ .10	_____ .30	_____ .50	_____ .70

(B) ~~Emulsification Factors~~

~~The volume determined from the calculation above is then multiplied by one of the following emulsification factors, again, based on the type of oil.~~

Oil Group	Group 1	Group 2	Group 3	Group 4
Emulsification	1.0	1.8	2.0	1.4

(C) ~~Total Shoreline Equipment Required~~

~~The total determined by this calculation is a Response Planning Volume.~~

1. ~~The Response Planning Volume to be used to determine the amount of Response Equipment and Services required that must be under contract shall be the greater of the amount determined in Subsections 818.03(f)(1) — (2) or the Adjusted Planning Volume calculated for On-Shore Recovery Volume for the Near-shore/Inland Environment in the vessel's federal response plan prepared pursuant to 33 CFR, Part 155.1045.~~

2. ~~The calculations used to determine the Response Planning Volume shall be included in the plan.~~

(3) ~~Shoreline Protection Equipment and Services~~

~~Each plan must identify, and ensure availability through a contract or other approved means (as defined in Section 815.05(b) of this subchapter), an oil spill response~~

~~organization capable of effecting shoreline protection strategies. Such protection strategies must be commensurate with the Shoreline Response Planning Volume, calculated for potential shoreline impact, and must be capable of addressing all appropriate Protection, Response and Clean-Up Strategies. The specific areas where equipment and services must be available for use shall be identified in the Environmental Consequence Analysis.~~

~~(A) The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions. Additionally, the equipment identified shall be appropriate for use on the type of oil identified.~~

~~The following information must be provided:~~

- ~~1. the amounts of all protective booming, shallow draft vessels, and shoreline clean-up equipment necessary to address the specific types of shorelines that may be impacted;~~
- ~~2. the location, inventory and ownership of the equipment to be used to fulfill the response requirements; and~~
- ~~3. the procedures for storage, maintenance, inspection and testing of spill response equipment under the immediate control of the operator.~~

~~(4) Shoreline Protection Capability Standards~~

~~(A) Each plan must provide sufficient diversionary and protective boom and any other shoreline protection equipment. The amount of such equipment may be determined from information provided in the applicable Area Contingency Plan, and shall be available as follows:~~

- ~~1. within 30 minutes after notification, the equipment must be available for immediate delivery and deployment; and~~
- ~~2. the equipment must be available to protect the environmental, economic or culturally sensitive shoreline areas identified by the Environmental Consequence Analysis. To protect these sites, the equipment must be capable of being deployed and operable in 2 hours, or by the times established by the trajectory analysis conducted as part of the Environmental Consequence Analysis.~~

~~(B) As part of the Coastal Protection Review, the Administrator may also use information provided in the vessel's federal response plan to determine whether there is sufficient shoreline protection capability in each Geographic Region.~~

~~(5 2) Shoreline Clean-Up Strategies~~

~~(A) Utilizing the equipment that must be under contract, each Each plan shall describe methods to contain clean up spilled oil and remove it from the environment. The owner/operator shall have a contract or other approved means to provide the appropriate shoreline clean up services. The equipment identified for a specific area must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions.~~

Additionally, the equipment identified shall be appropriate to implement all the applicable strategies, and appropriate for use on the type of oil identified. The description shall include:

- ~~1. all shoreline protection procedures and oil diversion and pooling procedures for the close to shore environment. This description shall include, where appropriate, methods for carrying out response operations and clean-up strategies in shallow water environments, as identified in the trajectory analysis conducted as part of the Environmental Consequence Analysis;~~
21. methods for shoreside clean-up, including containment and removal of surface oil, subsurface oil and oiled debris and vegetation from all applicable shorelines, adjacent land and beach types; and
32. measures to be taken to minimize damage to the environment from land operations during a spill response, such as impacts to sensitive shoreline habitat caused by heavy machinery or foot traffic.

~~(B) Protection, response and clean-up strategies will be specific to the type of oil spilled, and the expected spill impact sites as identified in the Environmental Consequence Analysis, and the resources at risk at those spill sites.~~

~~(C) Each plan must utilize all the strategies appropriate to the potential impact sites.~~

(g) Response Procedures

- (1) Each plan shall describe the organization of the VCOASC's spill response management team. An organizational diagram depicting the chain of command shall also be included. Additionally, the plan shall describe the method to be used to integrate the plan holder's organization into the State Incident Command System and/or the Unified Command Structure as required by Title 8, California Code of Regulations, Subsection 5192

~~(p)(8)(D)(2) (q)(3)(A).~~

(A) The plan holder may utilize the procedures outlined in the appropriate and most recent Federal Area Contingency plan when describing how the vessel's chain of command will interface with the State Incident Command System which utilizes the Unified Command.

- (2) Each plan shall include a checklist, flowchart or decision tree depicting the procession of each major stage of spill response operations from spill discovery to completion of clean-up. The checklist, flowchart or decision tree shall describe the general order and priority in which key spill response activities are performed.

- (3) Each plan shall describe how the owner/operator will provide onboard emergency services before the arrival of local, state or federal authorities on the scene, including:

(A) procedures to control fires and explosions, and to rescue people or property threatened by fire or explosion;

(B) procedures for emergency medical treatment and first aid,

- (4) Each plan shall describe equipment and procedures to be used by VCOASC personnel to

minimize the magnitude of a spill and minimize structural damage which may increase the quantity of oil spilled.

- (5) Each plan shall detail the lines of communications between the responsible party, the Qualified Individual and the on-scene commanders, response teams, local, state, and federal emergency and disaster responders, including:
 - (A) communication procedures;
 - (B) the communication function (e.g., ground-to-air) assigned to each channel or frequency used;
 - (C) the maximum broadcast range for each channel or frequency used; and
 - (D) redundant and back-up systems.
- (6) Each plan shall provide for post-spill review, including methods to review both the effectiveness of the plan and the need for plan amendments.
 - (A) The result of the review shall be forwarded to the Administrator within 90 days following the completion of response and clean-up procedures.
 - (B) The review shall be used by the Administrator only for the purposes of proposing future amendments to the contingency plan.
- (7) Each plan shall describe the procedures to manage access to the spill response site, the designation of exclusion, decontamination and safe zones, and the decontamination of equipment and personnel during and after oil spill response operations, as required by the California Occupational Safety and Health Administration.
- (8) Each plan shall describe the procedures for the evaluation of health and safety concerns and the determination of site safety prior to beginning oil spill response operations and clean-up activities.

(h) Notification Procedures

- (1) Each plan shall include a list of contacts to call in the event of a drill, threatened discharge of oil, ~~or~~ discharge of oil, or any other reporting requirement as established in the California Oil Spill Contingency Plan. The plan shall:
 - (A) identify a central reporting office or individual who is responsible for initiating the notification process and is available on a 24-hour basis. The individual making this notification must be fluent in English. The following information must be provided:
 - 1. the individual or office to be contacted;
 - 2. telephone number or other means of contact for any time of the day; and
 - 3. an alternate contact in the event the individual is unavailable.
 - (B) detail the procedures for reporting oil spills to all appropriate local, state, and federal agencies within each of the six Geographic Regions that the VCOASC transits;

- (C) establish a clear order of priority for notification.
- (2) Immediate Notification
- Nothing in this section shall be construed as requiring notification before response.
- (A) Each plan shall include a procedure for contacting the ~~primary~~ OSRO in each of the six Geographic Regions that the VCOASC transits immediately, but no longer than after within 30 minutes, after of the discovery of a discharge of oil or threatened discharge of oil.
 - (B) Each plan shall include a procedure that ensures that the owner/operator or his/her designee will initiate contact with the Qualified Individual, the California Governor's Office of Emergency Services and the National Response Center immediately, but no longer than 30 minutes, after discovery of a discharge of oil or threatened discharge of oil.
 - (C) Each plan shall include all phone numbers necessary to complete the immediate notification procedures.
- (3) Each plan shall identify a call-out procedure to acquire the resources necessary to address spills that cannot be addressed by the equipment that the owner/operator is required to have under contract. Procedures must allow for initiation of the call-out within 24 hours of the incident and must begin as soon as a determination has been made that additional resources are necessary.
- (4) Each plan shall provide a checklist of the information to be reported in the notification procedures, including but not limited to:
- (A) ~~vessel~~ VCOASC name, country of registry, call sign, and official number;
 - (B) location of the incident;
 - (C) date and time of the incident;
 - (D) course, speed and intended track of the ~~vessel~~ VCOASC;
 - (E) the nature of the incident;
 - (F) an estimate of the volume of oil spilled and the volume at immediate risk of spillage;
 - (G) the type of oil spilled, and any inhalation hazards or explosive vapor hazards, if known;
 - (H) the size and appearance of the slick;
 - (I) prevailing weather and sea conditions;
 - (J) actions taken or planned by personnel on scene;
 - (K) current condition of the ~~vessel~~ VCOASC;

(L) injuries and fatalities; and

(M) any other information as appropriate.

(5) Reporting of a spill as required by Section 818.03(h)(2) shall not be delayed solely to gather all the information required by Subsection 818.03(h)(4). ~~If the required information is not available, the plan shall specify how the information will be obtained.~~

(6) An updated estimate of the volume of oil spilled and the volume at immediate risk of spillage shall be reported to the California Governor's Office of Emergency Services whenever a significant change in the amount reported occurs, but not less than every 12 hours within the first 48 hours of response. The State Incident Commander and/or the Federal On-Scene Coordinator through the Unified Command shall have the option of increasing or decreasing this timeframe, as needed. Updated spill volume information included in the Incident Action Plan developed through the Unified Command will meet the requirements of this subsection.

(i) Temporary Storage and Waste Management

(1) Each plan shall identify sufficient temporary storage for all recovered oil or all oily waste, or identify facilities that would be able to accept the recovered oil or oily waste for recycling or other means of waste management. Sufficient storage shall be no less than two times the required Response Capability Standards as determined in Subsection 818.03(e)(3).

(2) Each plan shall identify the party that shall maintain responsibility for recovered oil and oily waste for the purposes of temporary storage.

(3) Each plan shall describe site criteria and methods used for temporary storage of recovered oil and oily wastes generated during response and clean-up operations, including known available sites.

(4) Each plan shall identify all applicable permits, and all federal, state and local agencies responsible for issuing those permits for transit, temporary storage and ultimate waste management of all hazardous waste products likely to result from an oil spill.

(5) Each plan shall include information which could expedite the state approval process for the use of temporary waste storage sites, including a list of appropriate contacts and a description of procedures to be followed for each approval process.

(j) Wildlife Rehabilitation Requirements

Each plan shall describe how oiled wildlife care will be provided by one of the following approved means:

(1) Utilize the California Oiled Wildlife Care Network (OWCN) to meet oiled wildlife care requirements; or

(2) describe procedures that clearly outline how oiled wildlife care will be provided. The equipment, facilities, and personnel necessary to implement these procedures must be identified and assured by contract for each Geographic Area covered by the plan. Standards and written protocols for wildlife care must comply with all applicable State and federal laws.

(k) Training

- (1) Each plan shall provide that all appropriate personnel directly responsible to the owner/operator shall receive training in the use and operation of oil spill response and clean-up equipment. The plan shall describe:
 - (A) the type and frequency of training that each individual in a spill response position receives to achieve the level of qualification demanded by their job description;
 - (B) the procedures, if any, to train and use volunteers or other additional personnel in spill response operations as necessary for the size of the spill.
- (2) Each plan shall describe the type and frequency of personnel training on methods to reduce operational risks. The description of the training shall include, if applicable, the following:
 - (A) the means of achieving any established training objectives, such as:
 1. training programs for each position involved with the various aspects of the operation that could result in a spill (e.g., position responsible for vessel inspections or transfers);
 2. a training schedule, including adequate frequency, (e.g., initial training upon hire and annual refresher training) and type of training (workshops, classroom, videotape, on-the-job training, etc.) for each position trained;
 - (B) licenses, certifications or other prerequisites to hold particular jobs.
- (3) Each plan shall provide for safety training as required by state and federal health and safety laws for all personnel likely to be engaged in oil spill response, including a program for training non-permanent responders, such as volunteers or temporary help.
- (4) The VCOASC owner/operator shall ensure that training records are maintained for three years. All such documentation must be made available to the Administrator upon request.

(l) Drills and Exercises ~~—Type and Frequency~~

- (1) Each plan shall describe the VCOASC's drill and exercise program. The vessel owner/operator shall conduct drills and exercises as necessary to ensure that the elements of the plan will function in an emergency, as described in Section 820.01(a). ~~A vessel owner/operator shall conduct drills and exercises as necessary to ensure that the elements of the plan will function in an emergency. Each plan shall describe the VCOASC's drill and exercise program, including how the plan assures shoreline protection strategies (for all environmentally sensitive sites identified as potentially impacted in the vessel's Environmental Consequence Analysis) will be exercised, as outlined in Section 820.01(f) of this subdivision. The following are the necessary drill and exercise frequencies for all as consistent with the National Preparedness for Response Exercise Program (PREP):~~
 - (A) ~~manned vessel onboard emergency procedures and qualified individual notification drills shall be conducted quarterly;~~

~~(B) shore-based spill management team tabletop exercise shall be conducted yearly;~~

(2) Drills shall be designed to exercise either components of or the entire response plan. Such drills, individually or in combination, shall ensure that the entire plan is exercised at least once every three years.

~~(3) The vessel owner/operator shall maintain adequate records of drills and exercises, for a period of at least three years, to include the following:~~

~~(A) all drills and exercises conducted aboard the vessel shall be documented in the ship's log;~~

~~(B) records of any off-vessel drills and exercises of the response organization and resources identified in the contingency plan shall be maintained at the United States location of either the Qualified Individual or the vessel owner/operator. Contingency plans should indicate the location of these records.~~

~~Note: Evaluation and credit criteria for drills and exercises are described in Section 820.01 of this subchapter.~~

Note: Authority cited: Sections 8670.7 8670.10 and 8670.28, 8670.29 and 8670.30, Government Code. Reference: Sections 8670.7, 8670.10, 8670.20, 8670.25.5, 8670.27, 8670.28, 8670.30, 8670.31, and 8670.37.51, Government Code.